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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,317	02/24/2005	Alfredo Poloni	NB3594/1182.017	3563
25779	7590	06/19/2006	EXAMINER	
SAMPSON & ASSOCIATES, P.C. 50 CONGRESS STREET BOSTON, MA 02109			LIN, KUANG Y	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/526,317

Applicant(s)

POLONI ET AL.

Examiner

Kuang Y. Lin

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 15-20 is/are rejected.
- 7) ☒ Claim(s) 2-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/24/05</u> . | 6) <input type="checkbox"/> Other: _____ |

1. The specification is objected to under 35 USC 112, 1st paragraph in that it is written in a non-idiomatic manner such that render the meaning vague and indefinite. For example, in page 6, second paragraph through page 10, 4th paragraph, the language is so unclear that it is not sure what structure is described. Further, in page 6, line 25, what is "buffer 5 ma"? Line 26, the reference numeral for sleeve is the same for buffer. In page 7, line 2, what "two lines" are referred to? Line 14, how the coolant is divided into two streams? In page 8, line 8, what are "the depths of the peaks 10"? Line 11, the reference numeral for joint is the same for the sleeve. Line 30, what "criteria" are referred to? Line 36, what are "mechanical collisions"? Page 9, line 3, what is the "limited entity"? Line 5 what is "the eccentricity between the sleeve and the buffer" referred to? Line 23, what are the "refractory skate and casting cylinder"? Page 10, line 7, it recites that the external sleeve 21 is fixed onto the plate 2 while in line 14, it recites that the external sleeve 21 is fixed onto the second support 3. Applicant is required to correct these and other errors which might occur throughout the specification. Further, in page 2, last line, it recites claim 14. It appears to be that claim 14 does not direct to a second embodiment.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 19, "and/or" shall be changed to "and" to render the meaning definite. In claims 7 and 8, last few lines, respectively, it is not clear what structures are claimed. In claim 10, it states "one or more" grooves. However,

figure 4A shows that each of the notched area is located parallel to the closest of only one groove. In claim 14, it is not clear how the abutment limits the horizontal pivoting of containment plate and where the antecedent basis in the specification is. In claim 15, last few lines, what is the different between the mounting and the support? Where is the antecedent basis in the specification? In claims 17 and 18, respectively, it is not clear which height and the width are referred to since there are three heights and three widths for a triangle. In claim 19, what is "cursor"?

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1,15 and 16 insofar as definite are rejected under 35 U.S.C. 102(e) as being anticipated by Marti et al.

The structure as claimed reads on the apparatus of Marti et al. (see figures 2 and 3).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 17-20 insofar as definite are rejected under 35 U.S.C. 103(a) as being unpatentable over Marti et al.

It would have been obvious to use any resilient means for supporting the refractory sealing structure. Also, it would have been obvious to obtain the optimal location for the supports through routine experimentation.

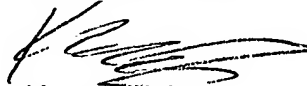
8. Claims 2-14 are objected to as depending from a rejected claim. However, they contain allowable subject matter and will be allowed upon the objection under 35 USC 112, 1st paragraph to the specification and the rejection under 35 USC 112, 2nd paragraph to the claims supra are overcome and being rewritten in an independent format.

9. The patent to Russell et al. and Liu et al. are cited to further show the state of the art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 571-272-1179. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kuang Y. Lin
Primary Examiner
Art Unit 1725